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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,923	10/09/2006	Caroline Marie Dodd	AAT-16540	3601
7609 7590 06/30/2010 RANKIN, HILL, & CLARK LLP 23755 Lorain Road - Suite 200 North Olmsted, OH 44070-2224				
EXAMINER				
RUSH, KAREEN KAY				
ART UNIT		PAPER NUMBER		
3781				
MAIL DATE		DELIVERY MODE		
06/30/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/568,923

**Applicant(s)**

DODD, CAROLINE MARIE

**Examiner**

KAREEN RUSH

**Art Unit**

3781

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/9/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16, 17, 22 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16, 17, 22 and 28-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date \_\_\_\_\_
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 16, 17, 22, 28, 29, 30 and 31 have been considered but are moot in view of the new ground(s) of rejection. Examiner agrees that the Amendment overcame the previous rejection. Please refer to the below rejection on how the prior art reads on the newly amended claims. Claims 19, 21, 23-25 and 27 were amended to read "withdrawn-currently amended", therefore these claims are being treated as withdrawn. Claim 26 is being treated as withdrawn as it is dependent on claim 24.

### ***Election/Restrictions***

1. Applicant's election without traverse of Species 1 (Fig. 1) in the reply filed on 10/08/2009 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16, 22, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss (US5249675), in view of Beck (US5149568), and in further view of Robertson (US6581760).

a. Regarding claim 16, Strauss teaches a container (Fig. 1) comprising a transparent container body (in the below annotated Fig. 1) for containing

spectacles (in the below annotated Fig. 1) and a backing plate (in the below annotated Fig. 1) for supporting spectacles contained in the container body. The reference as applied to claim 16 DIFFERS in that it does not specifically include the backing plate is a luminous surface that is adapted to glow in the dark identifying spectacles supported by the backing plate and contained in the container body in the dark, as claimed. Attention, however, is directed to Beck, which discloses a container (Fig. 3). The container has a luminous backing plate (Fig. 3 at 18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the reference as applied to claim 16 by employing a luminous backing plate, in view of the teachings of Beck, in order to comply with the teaches of Robertson which discloses the container can be a luminous container and in order to be able to see the container's contents in the dark.

b. Regarding claim 22, the reference as applied to claim 16 teaches the container. The container body is formed from a transparent plastic material (column 2, line 1).

c. Regarding claim 28, the reference as applied to claim 16 teaches the container. The object to be identified, or an outline (the glasses), is rendered visible by the luminous surface (this occurs when the reference is modified).

d. Regarding claim 29, the reference as applied to claim 16 teaches the container. The luminous container enables location of an object in the dark (this occurs when the reference is modified).

4. Claims 17, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummins (US4984682), in view of Strauss (US5249675), in view of Beck (US5149568), and in further view of Robertson (US6581760).

e. Regarding claim 17, Cummins teaches a container (Fig. 3) comprising a container body (Fig. 3 at 10) in the form of a wallet (Fig. 3) of transparent material (Fig. 6 at 10) for containing one or more objects (for containing one object or gasses) and a backing plate (Fig. 5 at 17) contained in the wallet for supporting the one or more objects contained in the wallet. The reference as applied to claim 17 DIFFERS in that it does not specifically include a transparent container, as claimed. Attention, however, is directed to Strauss, which discloses a container (Fig. 1). The container is comprised of a clear plastic material. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the reference as applied to claim 17 by making the container from a transparent material, in view of the teachings of Strauss, in order to allow a user to quickly identify the contents within the container. The reference as applied to claim 17 DIFFERS in that it does not specifically include the backing plate is provided with a luminous surface that is adapted to glow in the dark to permit identification of the one or more objects supported by the backing plate and contained within the wallet, as claimed. Attention, however, is directed to Beck, which discloses a container (Fig. 3). The container has a luminous backing plate (Fig. 3 at 18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to have modified the reference as applied to claim 17 by employing a luminous backing plate, in view of the teachings of Beck, in order to comply with the teaches of Robertson which discloses the container can be a luminous container and in order to be able to see the container's contents in the dark.

f. Regarding claim 30, the reference as applied to claim 17 teaches the container. The wallet comprises an envelope (Fig. 3) having a flap (Fig. 3 at 12) adapted to fold open and to close and open an envelope aperture (Fig. 3 at 12a).

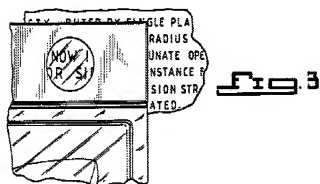
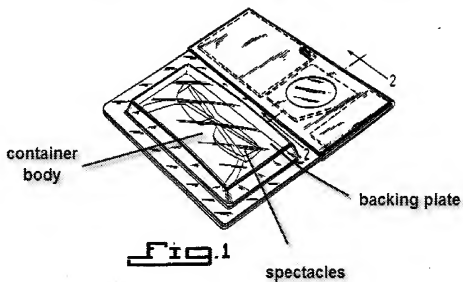
g. Regarding claim 31, the reference as applied to claim 30 teaches the container. The container comprises mating popper components (Fig. 2 at 16) for releasably securing the flap to the envelope.

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Oct. 5, 1993

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Liebers reference discloses a glasses case. The Takasaki reference discloses a glasses case. The Baratelli reference discloses a glasses case. The Orogun-Thomas reference discloses a glasses case. The Cummins reference discloses a glasses case. The Platt reference discloses a glasses case. The Gallin reference discloses a glasses case. The Aoki reference discloses a display board. The Yu reference discloses a case. The Castelli reference discloses a glasses case.
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREEN RUSH whose telephone number is (571)270-5611. The examiner can normally be reached on Monday-Friday (8:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony D. Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/  
Supervisory Patent Examiner, Art  
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K.R.  
AU:3781